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EXAMINER

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ART UNIT	PAPER NUMBER
2611	

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/800,527

**Applicant(s)**

FLICKNER ET AL.

**Examiner**

Christopher M. Lambrecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/6/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 5/6/04 have been fully considered. In particular, Applicant submits the following:

(a) Provisional application 60/195,227 contains a description of the Cable/DOCSIS system and its associated hardware, such as demodulators and digital signal processors. Therefore, though a "DOCSIS compatible decoder" is not explicitly recited in the provisional application, one of ordinary skill in the art would have understood that a DOCSIS compatible decoder would have been used (p. 7). Applicant raises similar issue with respect to "continuous status polling by a CATV head end", i.e., that a cable modem would have been able to support continuous status polling by a CATV head end (p. 8). Consequently, Applicant believes the provisional application provides adequate support for a DOCSIS compatible decoder and continuous status polling by a CATV head end (pp. 7-8). Furthermore, because Applicant believes the provisional application provides adequate support for the above named features, the rejections of claims 4, 7, and 11 should be withdrawn.

(b) The language of claim 18 is enabled when read in view of the specification and that claim 18 should be interpreted accordingly. Applicants submit the rejection of claim 18 under 35 U.S.C. §112 should be withdrawn (p. 8).

(c) The Moore reference (of record) was improperly cited against the invention because it has a later filing date than the priority date of the present invention. Consequently, Applicant submits the rejections of claims 3 and 17 should be withdrawn (p. 10).

(d) For at least the reasons discussed above, the dependent claims are also allowable (p. 10).

In response to (a), Examiner submits that many things would have been understood by one of ordinary skill in the art in view of the description of the Cable/DOCSIS system provided in Applicant's

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provisional application. However, unless features are described in a manner pursuant to 35 U.S.C. §112, the specification cannot be considered to provide adequate support for a claim or claims reciting such features. See MPEP 608.01(p). In particular, "...each claim limitation must be expressly, implicitly, or inherently supported...(MPEP 2163.II.A.3(b))" The description of the Cable/DOCSIS system in provisional application 60/195,227 fails to expressly, implicitly, or inherently provide support for the above named features. Consequently, the rejections of claims 4, 7, and 11 will not be withdrawn for the reasons submitted by Applicant. Moreover, Applicant concedes on page 7 of the response that one of ordinary skill in the art would anticipate the use of a DOCSIS compatible decoder and support for continuous status polling in a Cable/DOCSIS system in view of the disclosure of the Cable/DOCSIS system. Because the Cable/DOCSIS system was well known in the art prior to the filing date of the provisional application, Examiner submits these limitations therefore would have been obvious to one of ordinary skill in the art at the time the invention was made. Consequently, Applicant's arguments are not persuasive.

In response to (b), the rejection of claim 18 under 35 U.S.C. §112 is hereby withdrawn.

In response to (c), Applicant has canceled claim 17 and hence the withdrawal of the rejection is moot. Furthermore, the Moore reference (of record) has a priority date of December 30<sup>th</sup>, 1999, which is prior to Applicants' priority date of April 6<sup>th</sup>, 2000. Furthermore, provisional application 60/173,700 related to Moore discloses a DOCSIS compatible tuner, for the purpose of enabling the cable modem comprised in a home networking gateway to communicate with a cable modem termination system (pg. 5, lines 1-3), as indicated in the original rejections of claims 3 and 17 with reference to Moore (of record). Therefore, the citation of Moore against the present invention was proper. Consequently, the rejections of claims 3 and 17 will not be withdrawn for the reasons submitted by Applicant.

In response to (d), none of claims 1-16 and 18 are currently allowable as set forth in the new rejections (see below) necessitated by the amendments to independent claims 1, 8, 13, and 18.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler (Bestler et al., US005638112A) in view of Datari (US006418169B1), Matsuo (US005956075A) and Moore (of record).

With regard to claim 1, Bestler discloses in a system for decoding video signals (FIGURE, col. 2, lines 35-41) received from a first source (8, lines 55-57) and supporting continuous bi-directional communication (col. 1, lines 55-57 & 64-66) with said first source (8), apparatus providing a signal interface for conditioning signals communicated between said system and said first source (8), comprising: a diplexer (10, col. 1, lines 55-58) coupled to a first source and operable to separate a received communication signal from a return communication signal based on different frequency bands of said received communication signal and said return communication signal; and a signal splitting device (RF splitter 12) coupled to said diplexer and operable to split said separated received communication signal to provide (col. 1, lines 55-58) first and second signals that substantially replicate said separated received communications signal. However, Bestler fails to disclose a terminal operable to receive a communication signal from said first source and for outputting a return communication signal to said first source, and first and second tuners coupled to receive said first and second replicated signals from said splitting device and operable to tune to receive data being conveyed by said first and second replicated signals respectively.

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In an analogous art, Matsuo discloses a terminal (system connection terminal 2, fig. 1, col. 4, lines 36-43) operable to receive a communication signal from said first source and for outputting a return communication signal to said first source, for the purpose of permitting bi-directional communication along a single transmission medium.

Additionally, in an analogous art, Datari discloses first and second tuners (data tuner 65 & broadcast tuner 30, fig. 1) coupled to receive first and second signals from a splitting device (splitter/combiner 25), for the purpose of deriving data from first and second carrier signals simultaneously.

Furthermore, in an analogous art, Moore discloses a tuner (46) comprising a DOCSIS compatible tuner (pg. 2, ¶27, lines 1-6), for the purpose of allowing a user to communicate with a central facility using a standard communications protocol.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler to include a terminal operable to receive a communication signal and output a return communication signal, as taught by Matsuo, for the purpose of permitting bi-directional communication along a single transmission medium in a video distribution system.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler and Matsuo to include first and second tuners, as taught by Datari, for the purpose of deriving data from first and second carrier signals simultaneously in a video distribution system.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Matsuo, and Datari to include a tuner comprising a DOCSIS compatible tuner, as taught by Moore, for the purpose of allowing a user to communicate with a central facility using a standard communications protocol in a video distribution system.

With regard to claim 2, Bestler, Matsuo, and Datari together disclose the claimed subject matter. In particular, Bestler discloses a processor (18) coupled to said diplexer (10) and operable to generate said return communication signal (col. 1, line 66-col. 2, line 2); and wherein said return communication signal is provided to said diplexer via a path bypassing said splitting device (via upstream encoder/modulator 16, see FIGURE).

With regard to claim 3, Bestler, Matsuo, Datari, and Moore together disclose the apparatus of claim 1 wherein said first tuner (Datari, 65) comprises a DOCSIS compatible signal (Moore, ¶27, ll. 1-6) and tunes to receive said first replicated signal (Datari, col. 3, lines 50-52); and said second tuner (Datari, 30) comprises an MPEG compatible signal, and tunes to receive said second replicated signal (Datari, col. 3, lines 47-50).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler, Matsuo, Datari, and Moore as applied to claim 1 above, and further in view of Azenkot (Azenkot et al., US 20020154620A1).

With regard to claim 4, Bestler, Matsuo, Datari, and Moore together disclose an MPEG compatible decoder (Datari, 50). However, Bestler, Matsuo, Datari, and Moore together fail to explicitly disclose a DOCSIS compatible decoder operable to decode said first replicated signal.

In an analogous art, Azenkot discloses a DOCSIS compatible decoder (137), for the purpose of decoding differentially encoded ATDMA bursts (pg. 30, ¶429).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Matsuo, and Datari to include a DOCSIS compatible

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decoder, as taught by Azenkot, for the purpose of decoding differentially encoded ATDMA bursts in a video distribution system.

5. Claims 5 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler, Matsuo, Datari, and Moore as applied to claim 1 above, and further in view of Sirazi (US4527194A).

With regard to claim 5, Bestler, Matsuo, Datari, and Moore together disclose said system for decoding video signals (Bestler, FIGURE, col. 2, lines 35-41) received from a first source (Bestler, 8, lines 55-57) and supporting continuous bi-directional communication (Bestler, col. 1, lines 55-57 & 64-66) with said first source (8), said system including apparatus providing a signal interface for conditioning signals communicated between said system and said first source (8) including: a splitting device (Bestler, RF splitter, 12) operable to split said separated received communication signal to provide first and second signals that substantially replicate said separated received communications signal, and first and second tuners (Datari, data tuner 65 & broadcast tuner 30, fig. 1) coupled to receive first and second signals from a splitting device (Datari, splitter/combiner 25). However, Bestler, Matsuo, Datari, and Moore fail to disclose said system decodes a video signal received from a second source and an apparatus providing a signal interface operable to condition a signal received from said second source including: a switch coupled to said splitting device (said splitting device providing communications signal from said first source) and said second tuner, said switch in a first position providing coupling of said second replicated signal to said second tuner, and in a second position providing isolation of said second replicated signal from said second tuner and providing coupling of said video signal received from said second source to said second tuner.

In an analogous art, Sirazi discloses a system for decoding video signals (decoder 16) from a first (Cable A) and second (Cable B) sources and a switch (12) coupling a first source (Cable A) and a second



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source (Cable B) to a tuner (14), said switch in a first position providing coupling of said first source (Cable A) to said tuner (14), said switch in a second position providing isolation of said first source (Cable A) from said tuner (14) and providing coupling of said second source (Cable B) to said tuner (14), for the purpose of permitting tuning of communication signals from a plurality of sources (col. 3, lines 4-5).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Matsuo, Datari, and Moore to include a decoding video signals from first and second sources and a switch for coupling said second tuner to one of a first source and a second source, as taught by Sirazi, for the purpose of permitting tuning of communications signals from a plurality of sources.

With regard to claim 6, Bestler, Matsuo, Datari, Moore, and Sirazi together disclose the claimed subject matter. In particular, the first source remains coupled to the first tuner (65) disclosed by Datari because the switch only affects the signal provided to the second tuner.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler, Matsuo, Datari, Moore, and Sirazi as applied to claim 6 above, and further in view of Hendricks (Hendricks et al., US006408437B1).

With regard to claim 7, Bestler, Matsuo, Datari, Moore, and Sirazi together disclose said first tuner comprises a tuner for a DOCSIS compatible cable modem (48) (Moore, ¶27). However, Bestler, Matsuo, Datari, Moore, and Sirazi fail to disclose supporting continuous status polling by a CATV head end of a status of said cable modem.

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In an analogous art, Hendricks discloses continuous (scheduled basis, as opposed to as-needed basis, col. 14, lines 12-18) status polling by a CATV head end of a status of said cable modem (col. 14, lines 12-18), for the advantage of tracking programs that have been selected for viewing (col. 14, lines 1-5).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Matsuo, Datari, Moore, and Sirazi to include continuous status polling by a CATV head end of a status of said cable modem, as taught by Hendricks, for the purpose of tracking programs that have been selected for viewing in a video distribution system.

7. Claims 8, 9 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler in view of Datari, Sirazi, Applicants conceded prior art in figure 5, and Moore.

With regard to claim 8, Bestler discloses in a system for decoding video signals (FIGURE, col. 2, lines 35-41) received from a first source (8, lines 55-57) and supporting continuous bi-directional communication (col. 1, lines 55-57 & 64-66) with said first source (8), apparatus providing a signal interface for conditioning signals communicated between said system and said first source (8), comprising: a signal splitting device (RF splitter 12) operable to split a signal derived from a signal received by said first source ( col. 1, lines 55-58) first and second signals that substantially replicate said signal derived from said signal received by said first source. Bestler does not disclose first and second terminals operable to receive signals from said first and second sources respectively; first and second tuners coupled to receive said first and second replicated signals from said splitting device and operable to tune to receive data being conveyed in said first and second replicated signals respectively; and a switch coupled to said splitting device and said second tuner, said switch in a first position providing coupling of said second replicated signal to said second tuner, and in a second position providing isolation of said

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second replicated signal from said second tuner and providing coupling of said video signal received from said second source to said second tuner.

Sirazi discloses a system for decoding video signals from a first (Cable A) and second (Cable B) sources and a switch (12) coupling said first source (Cable A) and said second source (Cable B) to a tuner (14), said switch in a first position providing coupling of said first source (Cable A) to said tuner (14), said switch in a second position providing isolation of said first source (Cable A) from said tuner (14) and providing coupling of said second source (Cable B) to said tuner (14), for the purpose of permitting tuning of communication signals from a plurality of sources (col. 3, lines 4-5).

In addition, Datari discloses first and second tuners (data tuner 65 & broadcast tuner 30, fig. 1) coupled to receive first and second signals from a splitting device (splitter/combiner 25), for the purpose of deriving data from first and second carrier signals simultaneously.

Furthermore, Applicant's conceded prior art (illustrated in figure 5 and described in the specification at page 8, line 37 - page 9, line 6) provides first and second terminals (80, 82) operable to receive signals from first and second sources respectively. These terminals are widely used in audio and video receiving devices.

Moreover, Moore discloses a tuner (46) comprising a DOCSIS compatible tuner (pg. 2, ¶27, lines 1-6), for the purpose of allowing a user to communicate with a central facility using a standard communications protocol.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler to include decoding video signals from first and second sources and a switch for coupling said second tuner to one of a first source and a second source, as taught by Sirazi, for the purpose of permitting tuning of communications signals from a plurality of sources.

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Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler and Sirazi to include first and second tuners, as taught by Datari, for the purpose of deriving data from first and second carrier signals concurrently.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Sirazi, and Datari to include first and second terminals, as taught by Applicant's conceded prior art at figure 5, for the purpose of receiving signals from two sources.

Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Sirazi, Datari, and Applicant's conceded prior art to include a tuner comprising a DOCSIS compatible tuner, as taught by Moore, for the purpose of allowing a user to communicate with a central facility using a standard communications protocol in a video distribution system.

With regard to claim 9, Bestler, Datari, Sirazi, Applicant's conceded prior art, and Moore together disclose the claimed subject matter. In particular, Bestler discloses a diplexer (10, col. 1, lines 55-58) coupled to said first terminal (8) and said splitting device (12), and operable to separate a received communication signal from a return communication signal based on different frequency bands of said received communication signal and said return communication signal.

With regard to claim 10, Bestler, Datari, Sirazi, Applicant's conceded prior art, and Moore together disclose the claimed subject matter. In particular, the first source remains coupled to the first tuner (65) disclosed by Datari because the switch only affects the signal provided to the second tuner.

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8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler, Datari, Sirazi, Applicant's conceded prior art, and Moore as applied to claim 8 above, and further in view of Hendricks (Hendricks et al., US006408437B1).

With regard to claim 11, Bestler, Datari, Sirazi, Applicant's conceded prior art, and Moore together disclose said first tuner comprises a tuner for a DOCSIS compatible cable modem (48) (Moore, ¶27). However, Bestler, Datari, Sirazi, Applicant's conceded prior art, and Moore fail to disclose supporting continuous status polling by a CATV head end of a status of said cable modem.

Hendricks discloses continuous (scheduled basis, as opposed to as-needed basis, col. 14, lines 12-18) status polling by a CATV head end of a status of said cable modem (col. 14, lines 12-18), for the purpose of tracking programs that have been selected for viewing (col. 14, lines 1-5).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Datari, Sirazi, Applicant's conceded prior art, and Moore, to include continuous status polling by a CATV head end of a status of said cable modem, as taught by Hendricks, for the purpose of tracking programs that have been selected for viewing in a video distribution system.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler, Datari, Sirazi, Applicant's conceded prior art, and Moore as applied to claim 8 above, and further in view of Kar (Kar, Prodan, and Chelehmal).

With regard to claim 12, Bestler, Matsuo, Datari, and Sirazi fail to disclose said second tuner comprises an OpenCable compatible tuner.

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In an analogous art, Kar discloses an OpenCable compatible set-top terminal comprising an OpenCable compatible tuner (Tuner, Fig. 1), for the purpose of providing support for digital SDTV and HDTV over cable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Matsuo, Datari, and Sirazi to include said second tuner comprises an OpenCable compatible tuner, as taught by Kar, for the purpose of providing support for digital SDTV and HDTV over cable in a video distribution system.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler in view of Ko (US006486925B1), Applicant's conceded prior art in figure 5, and Moore.

With regard to claim 13, Bestler discloses a set top box comprising: a diplexer coupled to a first source (8) and operable to separate a received communication signal from a return communication signal based on different frequency bands of said received communication signal and said return communication signal; and a signal splitter (RF splitter 12) coupled to said diplexer (10) and operable to split said separated received communication signal to provide (col. 1, lines 55-58) first and second signals that substantially replicate said separated received communications signal. Bestler fails to disclose a terminal operable to receive a first signal from a first source and output a return signal to said first source, and first and second tuners coupled to receive said first and second split signals and operable to tune to data conveyed in first and second split signals, respectively.

Applicant's conceded prior art (illustrated in figure 5 and described in the specification at page 8, line 37 - page 9, line 6) provides first and second terminals (80, 82) operable to receive signals from first and second sources respectively. These terminals are widely used in audio and video receiving devices.

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In an analogous art, Ko discloses first and second tuners (61 & 51) coupled to receive first and second signals, for the advantage of deriving data from first and second carrier signals simultaneously.

Moore discloses a tuner (46) comprising a DOCSIS compatible signal (pg. 2, ¶27, lines 1-3), for the advantage of allowing a user to communicate with a central facility using a standard communications protocol.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler to include first and second terminals, as taught by Applicant's conceded prior art, for the purpose of receiving signals from two sources, in a video distribution system.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler and Applicant's conceded prior art to include first and second tuners, as taught by Ko, for the purpose of deriving data from first and second carrier signals simultaneously in a video distribution system.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Matsuo, and Datari to include a tuner comprising a DOCSIS compatible tuner, as taught by Moore, for the purpose of allowing a user to communicate with a central facility using a standard communications protocol in a video distribution system.

11. Claims 14 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler, Ko, Applicant's conceded prior art, and Moore as applied to claim 13 above, and further in view of Sirazi.

With regard to claim 14, Bestler, Ko, Applicant's conceded prior art in figure 5, and Moore together disclose a second terminal (Ko, 82) operable to receive a second signal from a second source. Bestler, Ko and applicant's conceded prior art in figure 5, and Moore together fail to disclose a switch

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coupled to said second terminal and between said splitter and said tuner, said switch in a first position providing only said second signal to said second tuner and in a second position providing only said second separated signal to said tuner.

Sirazi discloses a set top box for decoding video signals from a first (Cable A) and second (Cable B) sources and a switch (12) coupling a first source (Cable A) and a second source (Cable B) to a tuner (14), said switch in a first position providing coupling of said first source (Cable A) to said tuner (14), said switch in a second position providing isolation of said first source (Cable A) from said tuner (14) and providing coupling of said second source (Cable B) to said tuner (14), for the purpose of permitting tuning of communication signals from a plurality of sources (col. 3, lines 4-5).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler, Ko, Applicant's conceded prior art, and Moore to include a switch for coupling said second tuner to one of a first source and a second source, as taught by Sirazi, for the advantage of permitting tuning of communications signals from a plurality of sources in a video distribution system.

With regard to claim 15, Bestler, Ko, Applicant's conceded prior art, Moore, and Sirazi together disclose the claimed subject matter. In particular, Ko discloses said second signal is an analog television signal and said second tuner (51) is operable to tune analog television signals (col. 4, lines 5-8).

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler, Ko, Applicant's conceded prior art, Moore, and Sirazi as applied to claim 15 above, and further in view of Wugofski (Wugofski et al., US006553567B1).



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With regard to claim 16, Bestler, Ko, Applicant's conceded prior art, Moore, and Sirazi fail to disclose said second tuner is operable to tune NTSC analog television channels.

In an analogous art, Wugofski discloses a television tuner (122) operable to tune NTSC analog television channels, for the purpose of enabling the tuning of conventional analog broadcast signals (col. 3, lines 45-50).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bester, Ko, Applicant's conceded prior art, Moore, and Sirazi to include a tuner operable to tune NTSC analog television channels, as taught by Wugofski, for the advantage of enabling the tuning of conventional analog broadcast signals in a video distribution system.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler in view of Datari and Moore.

With regard to claim 18, Datari discloses a system and corresponding method for signal processing and interface in a set top box comprising: receiving a signal (lines 55-58); diplexing (Diplexer 10) said signal into a first signal band (i.e., analog signals, col. 1, ll. 60-61) and a second signal band (i.e., digital signals, col. 1, ll. 61-63); subsequently splitting (RF Splitter 12) said first signal band and said second signal band to create a first and second replicated signals (i.e., signal path to tuner 14 and signal path to mux 58, fig. 1). However, Bestler fails to disclose the first and second replicated signals are conveyed to a respective first and second tuner.

Datari discloses a system and corresponding method in a set top box comprising conveying first and second replicated signals (from Splitter/Combiner 25) to a respective first and second tuner (Data Tuner 65 and broadcast tuner 30), for the purpose of deriving data from first and second carrier signals simultaneously.

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Furthermore, Moore discloses a tuner (46) comprising a DOCSIS compatible tuner (pg. 2, ¶27, lines 1-6), for the purpose of allowing a user to communicate with a central facility using a standard communications protocol.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Bestler to include conveying said second replicated signal to a respective second tuner, as taught by Datari, for the purpose of deriving data from first and second carrier signals simultaneously in a video distribution system.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Bestler and Datari to include a tuner comprising a DOCSIS compatible signal, as taught by Moore, for the purpose of allowing a user to communicate with a central facility using a standard communications protocol in a video distribution system.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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15. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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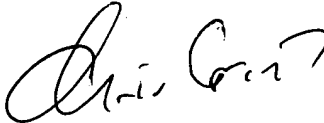
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht  
Examiner  
Art Unit 2611

CML



CHRIS GRANT  
PRIMARY EXAMINER